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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/985,730	11/06/2001	Peysson Yannick	612.40801X00	4220
20457	7590	10/28/2003	EXAMINER	
ANTONELLI, TERRY, STOUT & KRAUS, LLP 1300 NORTH SEVENTEENTH STREET SUITE 1800 ARLINGTON, VA 22209-9889			POLITZER, JAY L	
			ART UNIT	PAPER NUMBER
			2856	

DATE MAILED: 10/28/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/985,730

Applicant(s)

YANNICK ET AL.

Examiner

Jay L. Politzer

Art Unit

2856

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 22 September 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 11-46 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 11-46 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

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Title: METHOD OF DETERMINING THE THERMAL PROFILE OF  
DRILLING FLUID IN A WELL

Filed: 11/6/01

Inventor(s): Peysson et al

### ***DETAILED ACTION***

#### **MINOR INFORMALITIES:**

1. The disclosure is objected to because of the following informalities:

The equations between ¶26 and 27 are missing.

2. Appropriate correction is required.

#### **REJECTIONS OVER PRIOR ART UNDER 35 U.S.C. § 102:**

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

"A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States."

4. Claims 11-18 are rejected under 35 U.S.C. § 102(b) as being anticipated by Hasan et al SPE 26848, hereinafter Hasan.

Regarding Claims 11 and 14-17; see equation 5-6, and wherein matching with measured data (Davies et al) is shown in Fig 11, for inlet temperature, and matching with downhole temperature in Fig 12. Eq 15 shows that tank fluid temperature approaches fluid exit temperature.

Regarding Claim 12-13; see Figs.

Regarding Claim 18; Hasan inherently applies to on-shore as well as off-shore wells.

Regarding Claim 21; see Fig 10.

Regarding Claims 22-24; see Eq 5-6 and previous discussion.

Regarding Claims 25-36; see Eq 5-6 and previous discussion.

Regarding Claims 37-41; see Eq 5-6 and previous discussion.

**REJECTIONS OVER PRIOR ART UNDER 35 U.S.C. § 103:**

5. The following is a quotation of 35 U.S.C. § 103 which forms the basis for all obviousness rejections set forth in this Office action:

"A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Subject matter developed by another person, which qualifies as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person."

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6. Claims 19-20 are rejected under 35 U.S.C. § 103 as being unpatentable over Hasan as applied to claim 11, above, in view of Applicant's recitation.

Regarding Claims 19-20; Hasan fails to teach pressure drop calculations and prediction of hydrate formation. In the amendment of 9/22/03, Applicant argues that pressure drop calculations and prediction of hydrate formation are well known in the art. It would have been obvious to one of ordinary skill in the art at the time of the invention to perform pressure drop calculations and predict hydrate formation because it is known to do so and produces useful results.

7. Claims 42-46 are rejected under 35 U.S.C. § 103 as being unpatentable over Hasan.

Regarding Claims 42-46; Hasan teaches this in Eq 5-6 except for the application to a vertical offshore well. It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Hasan's invention to a vertical offshore well because the extension to this application is trivial.

**DESCRIPTION OF UNAPPLIED ART:**

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure because it teaches other aspects of the claimed invention.

**FINAL ACTION:**

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 C.F.R. § 1.136(a).

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A SHORTENED STATUTORY PERIOD FOR RESPONSE TO THIS FINAL ACTION IS SET TO EXPIRE THREE MONTHS FROM THE DATE OF THIS ACTION. IN THE EVENT A FIRST RESPONSE IS FILED WITHIN TWO MONTHS OF THE MAILING DATE OF THIS FINAL ACTION AND THE ADVISORY ACTION IS NOT MAILED UNTIL AFTER THE END OF THE THREE-MONTH SHORTENED STATUTORY PERIOD, THEN THE SHORTENED STATUTORY PERIOD WILL EXPIRE ON THE DATE THE ADVISORY ACTION IS MAILED, AND ANY EXTENSION FEE PURSUANT TO 37 C.F.R. § 1.136(a) WILL BE CALCULATED FROM THE MAILING DATE OF THE ADVISORY ACTION. IN NO EVENT WILL THE STATUTORY PERIOD FOR RESPONSE EXPIRE LATER THAN SIX MONTHS FROM THE DATE OF THIS FINAL ACTION.

**REMARKS:**

10. Applicant's arguments filed 9/22/03 have been fully considered but they are not persuasive.

Applicant correctly assumes that the 112(2) form paragraphs were included by error. These have been removed.

The 112(1) problem was satisfactorily explained.

Applicant's sole argument is that Hasan is only a theoretical model that incorporates no real-world data. As previously discussed, Figs 10-11 compare the model to actual data from Davies et al, see reference 1. The model has parameters that are altered to obtain the best fit to the data; see P 140, Col 1. Thus, Applicant's view of Hasan is mistaken. The same general approach was taken by Santoya et al, in Figs 6-7, and p 2179, Col 1, last full paragraph, and suggested by Prensky et al, P 9, under "Static Formation Temperature".

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INQUIRIES:

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dr. Jay L. Politzer whose telephone number is (703) 305-4930 and whose facsimile number is (703) 308-7382
12. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Hezron E. Williams, can be reached at (703) 305-4705.
13. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-4900.

jlp 10/20/03

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HEZRON WILLIAMS  
SUPERVISORY PATENT EXAMINER  
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